

REMARKS

Claim 1 remains pending in this application, claims 2-19 having been cancelled above some of which were previously withdrawn from consideration. By the above amendments, the limitations previously found in dependent claims 6 and 10 have been added to independent claim 1. Reconsideration of this application is respectfully requested.

Applicant filed a Response and Amendment on January 31, 2003 amending independent claim 1 in response to the Examiner's Office Action mailed October 24, 2002. The Examiner mailed an Office Communication on April 14, 2003 stating that the January 31, 2003 Response was not fully responsive to the prior Office Action because the invention was independent or distinct from the originally elected invention. Applicant filed a Petition under 37 CFR §1.181 to withdraw the Examiner's holding that the reply filed on January 31, 2003 is not fully responsive to the prior Office Action on July 8, 2003. During a subsequent telephone conversation with Petitioner's Examiner Drew Dunn, Applicant was informed that the Petition was denied, although Applicant has yet to receive the decision to the Petition. On October 14, 2003 Applicant filed a Notice of Appeal and Petition for Extension of Time to keep this application alive. Applicant hereby withdraws their Amendment of January 31, 2003 and their appeal.

In the October 24, 2002 Office Action, claims 1 and 6 were rejected under 35 USC §102(e) as being anticipated by Hoek ('402) and as being anticipated by Oesterholt et al. Claim 10 was rejected under 35 USC §103(a) as being unpatentable over Hoek ('402) in view of Hoek ('743) and as being unpatentable over Oesterholt et al. in view of Hoek ('743).

Independent claim 1 now states that the microphone/speaker is positioned in a sail portion of the mirror assembly that attaches the assembly to the vehicle. Independent claim 1 also states that the mirror assembly includes at least one arm coupled between the mirror housing and the sail portion. The claimed sail portion is the sail portion 50 that is part of the attachment assembly 20 as shown throughout the figures. Paragraph 14, lines 5-7 of the specification states that the audio speaker 300 may be integrated into the sail portion 50 of the attachment assembly 20. Because the limitations of dependent claim 10 have been added to independent claim 1, it is believed that the Section 102 rejections have been rendered moot. It is therefore respectfully requested that the Section 102 rejections be withdrawn.

U.S. Patent No. 5,903,402 issued to Hoek and U.S. Patent No. 6,130,514 issued to Oesterholt do not teach or suggest employing a microphone/speaker in a vehicle mirror assembly.

U.S. Patent No. 6,116,743 issued to Hoek discloses a rearview mirror assembly 10 including a mirror subassembly 12 having a mirror casing or housing 18. The mirror subassembly 12 is mounted to a mirror mounting bracket 14 by a support arm 18 to mount the mirror assembly 10 to the vehicle. The mirror mounting bracket 14 is Applicant's claimed sail portion.

Column 9 of Hoek ('743) discusses a number of additional features that may be incorporated into the mirror assembly 10, and specifically the mirror subassembly 12, including microphones and speakers. Hoek ('743) specifically identifies these other features as being part of the mirror subassembly 12, which is the same as Applicant's claimed mirror housing. Nowhere in Hoek ('743) does it teach or suggest that any of the

features disclosed therein can be included in the mounting bracket 14. Therefore, Hoek fails to teach or suggest a mirror assembly including a mirror housing, an attachment arm and a sail portion, where the sail portion is mounted directly to the vehicle and includes a speaker or microphone. By employing a speaker or microphone in this location in the mirror, the mirror housing can be available for other elements.

In view of the preceding amendments and remarks, it is respectfully requested that the Section 103 rejections be withdrawn.

It is now believed that this application is in condition for allowance. If the Examiner believes that personal contact with Applicant's representative would expedite prosecution of this application, he is invited to call the undersigned at his convenience.

Respectfully submitted,

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